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Jc542 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 5405-212IPDV

DATE: February 26, 2002

J1050 U.S. PTO  
10/083734  
02/26/02

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))**

**BOX PATENT APPLICATION**

Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☒ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: 09/458,484; filed December 9, 1999, which is a continuation-in-part application of Serial No. 09/099,668 filed June 18, 1998, the disclosures of which are hereby incorporated herein by reference in their entireties.  
☐ and claims the benefit of Provisional Application No. \_\_\_\_\_; filed \_\_\_\_\_.

Inventor(s) or Application Identifier:

**David Needham, 4105 Branchwood Drive, Durham, North Carolina 27705**

Entitled: **TEMPERATURE SENSITIVE LIPOSOMAL FORMULATION**

**Correspondence Address:**



20792

PATENT TRADEMARK OFFICE

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 38 pages of Specification (including 65 claims)
3. ☒ 9 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☐ newly executed (*original or copy*)
  - b. ☒ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☒ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☐ Microfiche Computer Program (*Appendix*)

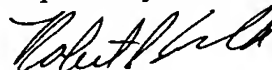
8. ☐ Assignment papers (cover sheet(s) and document(s)) Filed in prior application  
 9. ☒ Applicant claims small entity status. See 37 CFR 1.27.  
 10. ☒ Information Disclosure Statement, PTO-1449, and 36 references cited  
 11. ☒ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)  
 12. ☐ English Translation Document  
 13. ☐ Certified Copy of Application No. ; Filed  
 14. ☐ Sequence Listing/ Sequence Listing Diskette  
     a. ☐ computer readable copy  
     b. ☐ paper copy  
     c. ☐ statement in support  
 15. ☐ An Associate Power of Attorney  
 16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)  
 17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$370.00	\$ 740.00
TOTAL CLAIMS	14 - 20 =	0	x 09 = \$ 0	x 18 = \$
INDEP CLAIMS	3 - 3 =	0	x 42 = \$ 0	x 84 = \$
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 140 = \$	+ 280 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$ 370.00	Total \$

- ☒ A check in the amount of \$370.00 to cover the filing fee is enclosed.  
☐ A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).  
☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ .  
☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:  
     a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.  
     b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

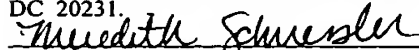


Robert J. Smith  
 Registration No. 40,820

#### CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number EV015811861US  
 Date of Deposit: February 26, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: BOX PATENT APPLICATION, Commissioner for Patents, Washington, DC 20231.

  
 Meredith Schuessler

Date of signature: February 25, 2002